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July 24, 1998

Magalie R. Salas, Esq. Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554 RECEIVED

JUL 2 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 96-86; Written Ex Parte

Presentation by The Dataradio Group of Companies

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's rules, I am providing you with two copies of written ex parte presentations sent to Offices of the FCC Commissioners on behalf of The Dataradio Group of Companies ("DATARADIO").

The purpose of the written presentation was to reiterate points raised in DATARADIO's ex parte statement filed with the Commission on June 22, 1998.

Very truly yours,

Frederick J. Day

Enclosures

No. of Contes 100'd ______

1000 Connecticut Avenue, N.W., Suite 901 Washington, D.C. 20036

Telephone: (202) 822-9388 Telecopier: (202) 822-8377

July 24, 1998

Honorable Susan Ness Federal Communications Commission 1919 M Street, Room 832 Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

Dear Commissioner Ness:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meeting was particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

On the enclosed page, we have summarized Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of Wireless Week.

Very truly yours,

Frederick J. Day Counsel for The Dataradio

Group of Companies

Enclosures

The Dataradio Group of Companies urges the Federal Communications Commission to adopt rules in WT Docket No. 96-86 that will permit public safety users to employ data transmissions without restriction. Specifically, Dataradio recommends the following approach:

Apportionment of Channels Between Data and Voice

The Public Safety spectrum should be available equally for data as well as voice systems. Over the past decade, the size of police forces at the state and local levels has increased less than 5%. This trend will continue. With the number of police officers in the field remaining nearly constant, the frequency of voice transmissions will remain constant as well. The future direction of Public Safety organizations will focus on enhancing operational efficiency through the use of new technologies. Data communications will serve a critical role in this future direction. Legislation recently introduced in the U.S. Senate, Senate bill S. 2022, would provide Federal funding to upgrade State and local information systems used to digitize and communicate fingerprints, criminal history records and background checks. If police officers in the field have immediate access from their laptop computers to centralized computer files, they will be able to conduct background checks within seconds and retrieve mugshots and data files on suspects nearly instantaneously. One result of the inevitable increase in data uses will be to reduce the use of voice channels, which will create, in effect, additional voice resources. To permit Public Safety departments to implement innovative mobile data systems, they must have access to a sufficient number of mobile channels of up to 150 kilohertz in bandwidth. The rules developed in the Public Safety proceeding should not dictate how the available channels are to be divided between data and voice. This determination should be left to the marketplace. If the FCC does feel compelled to allocate discrete channels for data and voice, however, the only reasonable solution is to divide the available channels in equal proportions between data and voice.

Interoperability

Agency Profesences for Interopratially Planning

FCC Rethinking Size Of Radio Interoperability

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This finding, uncovered by a Department of Instice study released cuties this year, appears

to contradict the FCC's stauce on regulating the new 24-megalacity public-safety allocation. The commission tentatively decided last October that a "rignificant portion" of the new spectrum should be designated on a nationwide basis for inheroperable communications. The initial conclusion was based on recommendations from the commission's Public Safety Wirehas Advisory Commistor, which identified the spectrum for reallocation.

The National Institute of Justice, DOI's renearch arm, found that most agencies seek additional channels for voice and data

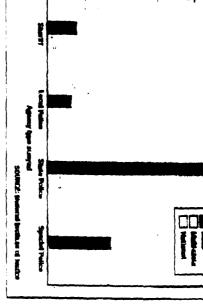
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July 24, 1998

Honorable Harold Furchtgott-Roth Federal Communications Commission 1919 M Street, Room 802 Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

Dear Commissioner Furchtgott-Roth:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meetings at the Commission were particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

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Very truly yours,

Frederick J. Day Counsel for The Dataradio

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Interoperability

By Caum Carlsop

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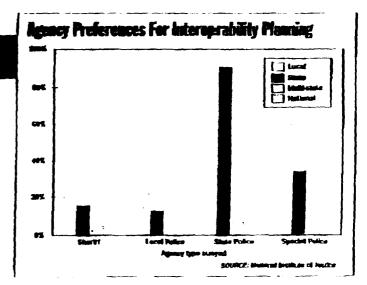
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This finding, uncovered by a Department of Junice study released earlier this year, appears to contradict the FCC's stance on regulating the new 24-megalisate public-safety allocation. The commission tentatively decided last October that a "significant portion" of the new spectrum should be designated on a nationwide basis for intersperable communications. The initial conclusion was based on recommendations from the commission's Public Safety Wireless Advisory Committee, which identified the spectrum for reallocation.

The National Institute of Justice, DCU's research arm, found that most agencies seek additional channels for voice and data

communications before interoperable systems. Based on a 10page questionarire meiled to all agencies with more than 100 swom officers and to a sample of smaller agencies, the study found that the number of law enforcement agencies using free text and database information on mobile data terminals and laptop computers likely will double during the next two years.

The study, "Wineless Communications and Interoperability Among State and Local Law Refurcement Agencies," supports the position of the Association of Public-Safety Communications Officials-International Juc. "A significant portion of the 24 megahertz for interoperability means that the agencies are not going to be able to use the new spectrum for daily operations,"



said Ali Shahnami, frequency coordinator for APCO. "Twentyfour megahertz is not even sufficient to meet the need for daily voice and data operations."

A coalition of public-safety groups agrees that no more than about 2 megahentz of the new allocation should be devoted exclusively to nationwide interoperable communications. "Interoperability is critical, there's no question that it needs to be addressed," said Robert Guras, attorney for APCO. "Sometimes it is taken out of context, though."

The NII study also found "surprisingly little support" for state or national interoperability planning. One of the main reasons the agencies prefer local planning is that they interoperate primarily with other local organizations, according to the study. Additionally, these agencies have traditionally enjoyed a considerable level of autonomy.

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July 24, 1998

Peter Tenhula, Esq.
Legal Assistant to Commissioner Powell
Federal Communications Commission
1919 M Street, Room 844
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

Dear Mr. Tenhula:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meetings at the Commission were particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

On the enclosed page, we have summarized Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of Wireless Week.

Very truly yours,

Frederick J. Day

Counsel for The Dataradio

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Enclosures

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July 24, 1998

Dan Connors, Esq.
Legal Advisor to Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

Dear Mr. Connors:

Recently, the Dataradio Group of Companies (Dataradio) had the opportunity to meet with Commissioner Ness to discuss issues of concern in the Public Safety proceeding.

The meeting was particularly useful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice uses, respectively; and (2) the possible imposition of interoperability requirements.

I wanted to provide you with a summary of Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of Wireless Week.

Very truly yours,

Frederick J. Day

Counsel for The Dataradio

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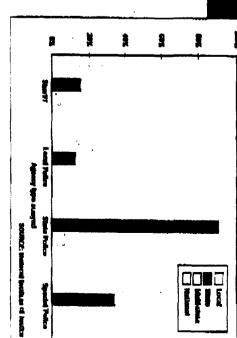
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Paul Misener, Esq.
Legal Assistant to Commissioner Furchtgott-Roth
Federal Communications Commission
1919 M Street, Room 802
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

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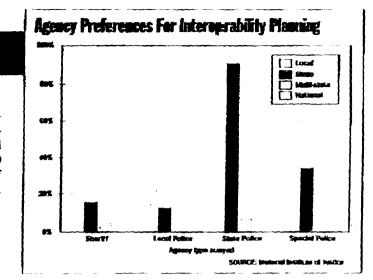
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July 24, 1998

Karen Gulick, Esq. Legal Assistant to Commissioner Tristani Federal Communications Commission 1919 M Street, Room 826 Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
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[Allocation of Public Safety Channels at 746-806 MHz]

Dear Ms. Gulick:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meetings at the Commission were particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

On the enclosed page, we have summarized Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of Wireless Week.

Very truly yours,

Frederick J. Day 'Counsel for The Dataradio

rederick

Group of Companies

Enclosures

The Dataradio Group of Companies urges the Federal Communications Commission to adopt rules in WT Docket No. 96-86 that will permit public safety users to employ data transmissions without restriction. Specifically, Dataradio recommends the following approach:

Apportionment of Channels Between Data and Voice

The Public Safety spectrum should be available equally for data as well as voice systems. Over the past decade, the size of police forces at the state and local levels has increased less than 5%. This trend will continue. With the number of police officers in the field remaining nearly constant, the frequency of voice transmissions will remain constant as well. The future direction of Public Safety organizations will focus on enhancing operational efficiency through the use of new technologies. Data communications will serve a critical role in this future direction. Legislation recently introduced in the U.S. Senate, Senate bill S. 2022, would provide Federal funding to upgrade State and local information systems used to digitize and communicate fingerprints, criminal history records and background checks. If police officers in the field have immediate access from their laptop computers to centralized computer files, they will be able to conduct background checks within seconds and retrieve mugshots and data files on suspects nearly instantaneously. One result of the inevitable increase in data uses will be to reduce the use of voice channels, which will create, in effect, additional voice resources. To permit Public Safety departments to implement innovative mobile data systems, they must have access to a sufficient number of mobile channels of up to 150 kilohertz in bandwidth. The rules developed in the Public Safety proceeding should not dictate how the available channels are to be divided between data and voice. This determination should be left to the marketplace. If the FCC does feel compelled to allocate discrete channels for data and voice, however, the only reasonable solution is to divide the available channels in equal proportions between data and voice.

Interoperability

By Caren Carlson

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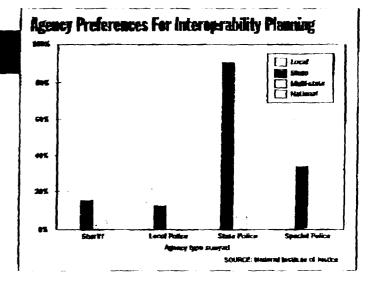
It turns out that interoperability-the word bozzing through Washington, D.C., last fall as public safety secured the largest chunk of spectrum ever granted to it-does not top law enforcement's list of wireless needs.

This finding, uncovered by a Department of Justice study released earlier this year, appears to contradict the PCC's stance on regulating the new 24-megalicatz public-safety allocation. The commission tentatively decided last October that a "significant portion" of the new spectrum should be designated on a nationwide basis for interoperable communications. The initial conclusion was based on recommendations from the commission's Public Safety Wireless Advisory Committee, which identified the spectrum for reallocation.

The National Institute of Justice, DOD's research arm, found that most agencies seek additional channels for voice and data

communications before interoperable systems. Based on a 10page questionsaire mailed to all agencies with more than 100 swom officers and to a sample of smaller agencies, the study found that the number of law enforcement agencies using free text and database information on mobile data terminals and laptop computers likely will double during the next two years.

The study, "Wireless Communications and Interoperability Among State and Local Law Roforcement Agencies," supports the position of the Association of Public Safety Communications Officials International Juc. "A significant portion of the 24 megaheatz for interoperability means that the agencies are not going to be able to use the new spectrum for daily operations,"



said Ali Shahnami, frequency coordinator for APCO. "Twentyfour megahertz is not even sufficient to meet the need for daily voice and data operations."

A coalition of public-safety groups agrees that no more than about 2 megabentz of the new allocation should be devoted exclusively to nationwide interoperable communications. "Interoperability is critical, there's no question that it needs to be addressed," said Robert Garss, attorney for APCO. "Sometimes it is taken out of context, though."

The NII study also found "surprisingly little support" for state or national interoperability planning. One of the main reasons the agencies prefer local planning is that they interoperate primarily with other local organizations, according to the study. Additionally, these agencies have traditionally enjoyed a considerable level of autonomy.

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1000 Connecticut Avenue, N.W., Suite 901 Washington, D.C. 20036

Telephone: (202) 822-9388 Telecopier: (202) 822-8377

July 24, 1998

Wendy Creeden, Esq.
Legal Advisor to Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability
Requirements in the Context of WT Docket No. 96-86
[Allocation of Public Safety Channels at 746-806 MHz]

Dear Ms. Creeden:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meeting was particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio:
(1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

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Interoperability

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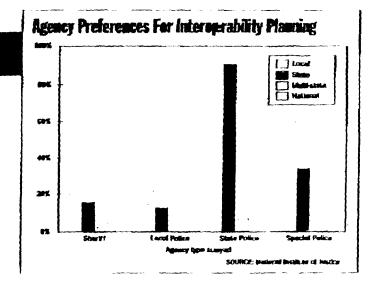
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LAW OFFICES OF

Day, Catalano & Plache 1000 Connecticut Avenue, N.W., Suite 901 Washington, D.C. 20036

Telephone: (202) 822-9388 Telecopier: (202) 822-8377

July 24, 1998

Mr. John Clark, Deputy Chief
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1919 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

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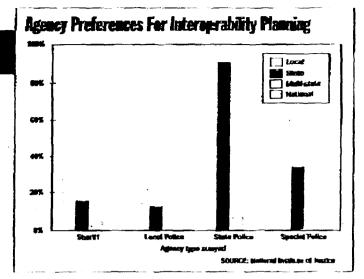
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